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Notice of Allowability	Application No.	Applicant(s)	
	09/930,079	MENGEU ET AL.	
	Examiner	Art Unit	
	Niki M. Eloshtway	3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the interview held on 9/22/05.
2. ☒ The allowed claim(s) is/are 1-11.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>10/12/04</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a facsimile transmission on September 22, 2005.

The application has been amended as follows:

(a) On line 7 of claim 1, "outward and downward" have been changed to --outwardly and downwardly--,

(b) On line 16 of claim 1, --forming a wedge-shaped recess-- has been inserted after "annular gap",

(c) On lines 16-17 of claim 1, "is wedged" has been changed to --wedges--,

(d) On line 18 of claim 1, --, the inner and outer edges of said rim, when wedged on said recess, respectively bearing upon said annular sealing flange and said annular upper portion of the inner surface of the skirt at a distance spaced from the upper end of said wedge-shaped recess-- has been inserted after "engage".

(e) Claim 4 has been rewritten as

-- 4. A package comprising:

a container having a main body with an upper portion having closure engaging members thereon, and a spout extending upward and inward from the upper portion and topped with an upwardly and outwardly flared portion terminating in a rim defining a container opening;

a closure having an end wall extending across the container opening when in place on the container, and a skirt extending outwardly and downwardly from the periphery of the end

Art Unit: 3727

wall and having an inner surface with container engaging members adjacent a lower end which engage the closure engaging members on the container to removably secure the closure to the container; and

sealing elements including an annular sealing flange extending downwardly and inwardly from the end wall of the closure and having an outer sealing surface which engages an inner sealing surface on the flared portion of the container, and an annular upper portion of the inner surface of the skirt being inclined downwardly and outwardly relative to the outer surface of the annular sealing flange to form with the annular sealing flange an upwardly converging annular gap into which the rim of the container is wedged as the container engaging members on the closure and the closure engaging members on the container engage, and said annular upper portion of the inner surface of the skirt being inclined downwardly and outwardly from the end wall being formed by an annular bead on the skirt.--

(f) Claim 7 has been rewritten as

--7. A package comprising:

a container having a main body with an upper portion having closure engaging members thereon, and a spout extending upward and inward from the upper portion and topped with an upwardly and outwardly flared portion terminating in a rim defining a container opening;

a closure having an end wall extending across the container opening when in place on the container, and a skirt extending outwardly and downwardly from the periphery of the end wall and having an inner surface with container engaging members adjacent a lower end which engage the closure engaging members on the container to removably secure the closure to the container; and

sealing elements including an annular sealing flange extending downwardly and inwardly from the end wall of the closure and having an outer sealing surface which engages an inner sealing surface on the flared portion of the container, and an annular upper portion of the inner surface of the skirt being inclined downwardly and outwardly relative to the outer surface of the annular sealing flange to form with the annular sealing flange an upwardly converging annular gap into which the rim of

Art Unit: 3727

the container is wedged as the container engaging members on the closure and the closure engaging members on the container engage, the inner surface of the skirt below the upper portion, having a plurality of circumferentially spaced radially inward and axially extending ribs which engage and guide the rim of the container into the gap.--

(g) Claim 10 has been rewritten as

--10. A package comprising:

a container having a main body with an upper portion having closure engaging members thereon, and a spout extending upward and inward from the upper portion and topped with an upwardly and outwardly flared portion terminating in a rim defining a container opening;

a closure having an end wall extending across the container opening when in place on the container, and a skirt extending outwardly and downwardly from the periphery of the end wall and having an inner surface with container engaging members adjacent a lower end which engage the closure engaging members on the container to removably secure the closure to the container; and

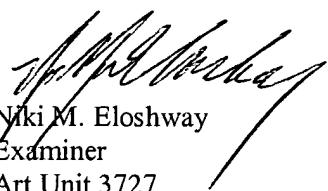
sealing elements including an annular sealing flange extending downwardly and inwardly from the end wall of the closure and having an outer sealing surface which engages an inner sealing surface on the flared portion of the container, and an annular upper portion of the inner surface of the skirt being inclined downwardly and outwardly relative to the outer surface of the annular sealing flange to form with the annular sealing flange an upwardly converging annular gap into which the rim of the container is wedged as the container engaging members on the closure and the closure engaging members on the container engage, the sealing elements further including an annular sealing member on one of the lower end of the inner surface of the skirt above the container engaging members and the main body of the container above the closure engaging members but below the spout sealing against the other.-

Art Unit: 3727

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niki M. Eloshway whose telephone number is 571-272-4538. The examiner can normally be reached on Thursdays and Fridays 8 a.m. to 4 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Niki M. Eloshway
Examiner
Art Unit 3727

nme



Stephen K. Cronin
Primary Examiner